

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
HENRY REPEATING RIFLE COMPANY, H003)	
.22 CALIBER PUMP ACTION RIFLE, SERIAL)	
NO. 03928P;)	
)	
RUGER 9 CALIBER P89 PISTOL, SERIAL)	
NO. 31055068;)	
)	
COLT BUNTLINE SCOUT REVOLVER,)	
22 CALIBER, SERIAL NO. 167684F;)	
)	
COLT AR15 RIFLE, 223 CALIBER, SERIAL)	
NO. SP82734;)	
)	
SMITH & WESSON 30 REVOLVER,)	
32 CALIBER, SERIAL NO. 795351; and)	
)	
MISCELLANEOUS AMMUNITION;)	
)	
Defendants.)	

VERIFIED COMPLAINT OF FORFEITURE

Comes now plaintiff, United States of America, by and through its attorneys, Carrie Costantin, Acting United States Attorney for the Eastern District of Missouri, and Stephen Casey, Assistant United States Attorney, for said district, and in a civil cause of action for forfeiture respectfully states as follows:

1. In this *in rem* civil action the United States seeks forfeiture of certain property, currently in the possession and custody of the plaintiff pursuant to the provisions of Title 21, United States Code, Section 881.

2. Subject Matter Jurisdiction of this Court is based on Title 28, United States Code, Sections 1345, 1355(a), Title 18, United States Code, Section 981, and Title 21, United States Code, Section 881. *In rem* jurisdiction is based on Title 28, United States Code, Section 1355. Venue is proper in this district pursuant to Title 28, United States Code, Sections 1355 & 1395 and Title 21, United States Code, Section 881(j).

3. The defendant property was furnished or intended to be furnished in exchange for controlled substances in violation of the Controlled Substances Act, Title 21, United States Code, Section 801 *et seq.*, was proceeds traceable to such an exchange, and was used or intended to be used to facilitate such an exchange. The defendant property is therefore subject to forfeiture to the United States of America, under the provisions of Title 21, United States Code, Section 881.

4. The defendant property was seized in the Eastern District of Missouri and is now, and during the pendency of this action will be in the jurisdiction of this court.

5. On or about August 29, 2016, the below defendant property was seized by Alcohol, Tobacco, Firearms and Explosives Unit:

- i. Henry Repeating Rifle Company, H003 22 caliber pump action rifle, Serial No. 03928P;
- ii. Ruger 9 caliber P89 Pistol, Serial No. 31055068;
- iii. Colt Buntline Scout Revolver, 22 caliber, Serial No. 167684F;
- iv. Colt AR15 Rifle, 223 caliber, Serial No. SP82734;
- v. Smith & Wesson 30 revolver, 32 caliber, Serial No. 795351; and
- vi. Miscellaneous Ammunition to include:
 - a. 20 rounds Tula Cartridge Works – Russia 223 caliber ammunition;
 - b. 64 rounds Winchester-Western 380 caliber ammunition;
 - c. 43 rounds Winchester-Western 25 caliber ammunition;

- d. 53 rounds United States Cartridge Co. 22 caliber ammunition;
- e. 74 rounds Remington 357 caliber ammunition;
- f. 90 rounds Western Cartridge Co. 22 caliber ammunition;
- g. 9 rounds Federal 12 caliber ammunition;
- h. 20 rounds Remington 223 caliber ammunition; and
- i. 11 rounds Remington 9 caliber ammunition;

6. The plaintiff alleges the defendant property is subject to forfeiture and for its reasons states as follows:

7. On or about August 29, 2016, the defendant property was seized from Steven Sullivan (“Sullivan”) by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

8. On July 7, 2016, ATF received information indicating that Sullivan was in possession of firearms and narcotics. Sullivan, a previously convicted felon, was also suspected of involvement in a recent burglary in Jefferson County, Missouri.

9. On August 24, 2016, ATF and the Jefferson County Sheriff’s Office (“JCSO”) executed the controlled purchase of a firearm from Sullivan. The JCSO in an undercover capacity agreed to meet Sullivan at 7030 Stovesand Road, Cedar Hill, Missouri. Once arriving at this location the JCSO made contact with an unknown male. Sullivan arrived later and went inside the residence with the unknown male and the JCSO. Sullivan retrieved a large plastic bag of marijuana, rolled a marijuana cigarette, and then placed the bag that contained marijuana in a safe. Sullivan then directed the JCSO to follow him to a second location where the firearms were stored. JCSO was directed to wait at the entrance to the driveway. Sullivan then retrieved a firearm, a Leinad CM-11, 9mm, from the residence, which he sold to JCSO for \$500.

10. August 29, 2016 a Federal Search Warrant was executed at 7030 Stovesand Rd., Cedar Hill, Missouri. As a result of the search, law enforcement located a firearm, numerous

live rounds of ammunition, numerous firearms magazines for various firearms, narcotics, U.S. currency, and narcotics paraphernalia.

11. On August 29, 2016, a Federal Search Warrant was executed at Sullivan's residence located at 4869 Saddle Tree Trail, House Springs, Missouri. A search of the residence revealed six firearms and miscellaneous ammunition (defendant property), which were seized.

12. On August 29, 2016, ATF conducted a consent search of James Wilburn's ("Wilburn") residence located at 7017 Blue Mountain Drive, St. Louis, Missouri. Wilburn is Sullivan's step son. Wilburn stated that Sullivan moved twelve firearms to his residence a few months prior because Sullivan could not store them in his residence because he was a convicted felon. Wilburn then directed the ATF to Sullivan's firearms, which were seized.

13. On August 31, 2016, Steven Sullivan was indicted in the Eastern District of Missouri, in cause number 4:16CR392 CEJ, on charges of knowingly and intentionally possessing with the intent to distribute, a mixture or substance, in violation of Title 21, United States Code, Section 841, and knowingly and intentionally using, carrying and possessing a firearm, in furtherance of a drug-trafficking crime, to wit: possession with the intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

14. By reason of these premises, the defendant property is subject to forfeiture to the United States, pursuant to the provisions of Title 21, United States Code, Section 881.

WHEREFORE, Plaintiff prays that a Warrant for Arrest be issued for the defendant property and the defendant property be condemned and forfeited to the United States of America,

in accordance with the provisions of law; and that the plaintiff be awarded its costs in this action, and have such other relief as provided by law and the nature of the case may require.

Respectfully submitted,

CARRIE COSTANTIN
Acting United States Attorney

/s/ Stephen Casey

STEPHEN CASEY, #58879MO
Assistant United States Attorney
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102

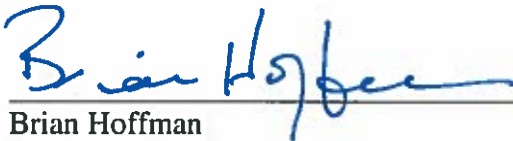
VERIFICATION

I, Special Agent Brian Hoffman, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint in rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 6, 2017
(date)



Brian Hoffman
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives